

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CASE NO. CR 08-688-AHM-41

Plaintiff,

ORDER OF DETENTION

vs.

Jose Martinez-Mangal

Defendant.

I

A. () On motion of the Government in a case allegedly involving:

1. () a crime of violence.
2. () an offense with maximum sentence of life imprisonment or death.
3. () a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. () any felony - where defendant convicted of two or more prior offenses described above.

5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

B. On motion by the Government / on Court's own motion,
in a case allegedly involving:

(✓) On the further allegation by the Government of:

a serious risk that the defendant will flee.

? () a serious risk that the defendant will:

a () obstruct or attempt to obstruct justice.

b. () threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

C. The Government () is/ () is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety or any person or the community.

II

A. (✓) The Court finds that no condition or combination of conditions will reasonably assure:

1 (g) the appearance of the defendant as required.

(v) and/or

2 the safety of any person or the community.

B. () The Court finds that the defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

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1 III
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The Court has considered:

- 3 A. the nature and circumstances of the offense(s) charged,
4 including whether the offense is a crime of violence, a Federal
5 crime of terrorism, or involves a minor victim or a controlled
6 substance, firearm, explosive, or destructive device;
7 B. the weight of evidence against the defendant;
8 C. the history and characteristics of the defendant; and
9 D. the nature and seriousness of the danger to any person or the
10 community.

11 IV
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13 The Court also has considered all the evidence adduced at the
14 hearing and the arguments and/or statements of counsel, and the
15 Pretrial Services Report/recommendation.

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18 The Court bases the foregoing finding(s) on the following:

- 19 A. (✓) As to flight risk:

20 No interview; no resources for trial; currently
sentenced in § 1326 Matter; nature of charges
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B. (✓) As to danger:

Cumulative history

VI

A. () The Court finds that a serious risk exists the defendant will:

1. () obstruct or attempt to obstruct justice.

2. () attempt to/ () threaten, injure or intimidate a witness or juror.

B The Court bases the foregoing finding(s) on the following:

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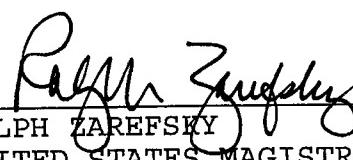
A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

1 C. IT IS FURTHER ORDERED that the defendant be afforded
2 reasonable opportunity for private consultation with counsel.

3 D. IT IS FURTHER ORDERED that, on order of a Court of the United
4 States or on request of any attorney for the Government, the
5 person in charge of the corrections facility in which defendant
6 is confined deliver the defendant to a United States marshal for
7 the purpose of an appearance in connection with a court
8 proceeding.

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10 DATED: 8/4/08


11 RALPH ZAREFSKY
12 UNITED STATES MAGISTRATE JUDGE

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